

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

COMMODITIES EXPORT COMPANY,

Plaintiff/Counter-Defendant,

v.

Case No. 09-CV-11060-DT

CITY OF DETROIT, UNITED STATES OF
AMERICA,

Defendants/Cross-Defendants,

and

DETROIT INTERNATIONAL BRIDGE
COMPANY,

Defendant/Counter-Plaintiff/Cross-
Plaintiff/Third Party Plaintiff,

v.

WALTER LUBIENSKI and DEAN AYLES,

Third Party Defendants.

**ORDER STRIKING JANUARY 27, 2010 FILING
AND DIRECTING THAT CROSSCLAIM AND THIRD PARTY COMPLAINT BE
RE-FILED BY FEBRUARY 3, 2010**

On January 29, 2010, the court conducted a status conference in this case. During the conference, the court informed counsel that certain filings had been improperly docketed by counsel, and actions need to be taken to correct the docket. Specifically, Plaintiff Commodities Export Company improperly filed its "Second Amended Complaint" twice, the second time mislabeling it as an "Answer to Amended Complaint." To avoid confusion, the mislabeled docket entry will be stricken.

Additionally, on January 25, 2010, Defendant Detroit International Bridge Company ("DIBC") filed a "Counterclaim, Crossclaim and Third Party Complaint," labeling it on the docket solely as a "Counterclaim." For docketing purposes, the Clerk's Office requires that counterclaims, crossclaims, and third party complaints each be docketed separately. The current entry will be allowed to remain as the "Counterclaim," but DIBC shall be required to re-file, in separate entries, its "Crossclaim" and "Third Party Complaint." Accordingly,

IT IS ORDERED that Plaintiff's January 27, 2010 "Second Amended Complaint," Docketed as an "Answer to Amended Complaint" [Dkt. # 43] is hereby STRICKEN from the docket of this court.

IT IS FURTHER ORDERED that, by **February 3, 2010**, Defendant DIBC shall re-file, in separate entries, its "Crossclaim" and "Third Party Complaint."

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 29, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 29, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522